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11 *Attorneys for Defendants*

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13 UNITED STATES DISTRICT COURT

14 DISTRICT OF ARIZONA

15 TRAVELERS PROPERTY CASUALTY
16 COMPANY OF AMERICA, a
17 Connecticut corporation,

18 Plaintiff,

-vs-

19 AMERICAN PONY EXPRESS, INC., An
20 Arizona corporation; ARIZONA TAXI
21 MANAGEMENT, LLC, an Arizona
22 limited liability company; and VIP TAXI
LLC., an Arizona limited liability
company,

23 Defendants.

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26 DEFENDANTS' JOINT
NOTICE OF REMOVAL
(Pima County Superior Court
Civil Case No. C20183791)

NOTICE OF REMOVAL

Defendants, through their attorneys, file this *Notice of Removal* and pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, and L.R. Civ. 3.6. This Notice of Removal has been simultaneously filed in the underlying State Court action. That action commenced and is pending in the State of Arizona, Pima County Superior Court, Case No. CV20183791. That case should be removed to the United States District Court for the District of Arizona for the reasons stated below:

BACKGROUND

1. This lawsuit is a civil action within the meaning of 28 U.S.C. §§ 1441(a) and 1446(b).

2. Travelers Property Casualty Company of America (“Plaintiff”) filed its Complaint against Defendants in the Superior Court, State of Arizona, Pima County, Case No. CV20183791, on July 31, 2018.

3. A true and correct copy of the Complaint filed in Pima County Superior Court Case CV20183791 is attached hereto as Exhibit A.

4. That Complaint contains only a cause of action for breach of contract.

5. The time for Defendants to answer, move, or otherwise plead with respect to the Complaint has not yet expired.

6. No other pleadings except the Acceptance of Service (attached at Exhibit A) have been filed in State Court or otherwise received by Defendants.

7. By filing this Notice of Removal here, Defendants do not waive their rights to object to jurisdiction over the person, or venue, or to the expiration of the applicable statute of limitations, and they specifically reserve the right to assert any other defenses and/or objections to which they may be entitled as a matter of law or equity.

1 **THE REMOVAL REQUIREMENTS HAVE BEEN SATISFIED**

2 8. In accordance with 28 U.S.C. § 1446(a) and L.R.Civ. 3.6, Defendants attach
3 to this Notice of Removal copies of all process, pleadings and orders filed to date in
4 CV20183791.

5 9. Removal here is timely pursuant to 28 U.S.C. § 1446(b)(3) and L.R.Civ. 3.6
6 because the case stated by the initial pleading in the State Court action was not removable,
7 and this *Notice* is filed within thirty days after receipt by the Defendant of a paper (the
8 Complaint) from which Defendants were first able to ascertain that the case is one which is
9 removable.

10 10. The *Complaint* at issue here contains a cause of action (breach of contract)
11 that is subject to the jurisdiction of this Court.

12 11. Removal is not premature because Defendants were served with the
13 Complaint in this venue, and their response is this *Notice* now timely before this Court, and
14 they have not waived any available defenses at law and in equity.

15 12. This Court has original jurisdiction of this matter based on complete diversity
16 jurisdiction pursuant to 28 U.S.C. §§1332(a) and 1441(b).

17 13. The District of Arizona is the United States District embracing Pima County,
18 Arizona, the county in which the State Court action is pending, as specified in 28 U.S.C. §
19 112(a). Therefore, this Court is the proper District Court to which the pending State Court
20 action should be removed pursuant to 28 U.S.C. § 1441(a).

21 14. Pursuant to 28 U.S.C. § 1446(d), Defendants, as the removing party, will
22 promptly notify all parties in writing of the filing of this Notice of Removal and will
23 promptly file a copy of this Notice of Removal with the Clerk of the Superior Court in the
24 State of Arizona, Pima County, where the State Court action is currently pending.

25 15. Defendants are all Arizona citizens and Plaintiffs are Connecticut citizens.
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1 WHEREFORE, Defendants hereby file this Notice of Removal so that the entire
2 State Court action under the State of Arizona, Pima County Superior Court Case No.
3 CV20183791 be removed to this Court for all further proceedings.

4 Dated: August 30, 2018. MESCH CLARK ROTHSCHILD

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6 /s/ Gary J. Cohen

7 Gary J. Cohen
Counsel for Defendants

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9 Copy emailed/mailed on August 30, 2018:

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